

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Pat Wood, III, Chairman;  
Nora Mead Brownell, Joseph T. Kelliher,  
and Suede G. Kelly.

Idaho Power Company

Docket No. EL01-22-003

ORDER GRANTING WITHDRAWAL OF  
REQUEST FOR REHEARING

(Issued March 9, 2004)

1. In this order, we grant Arizona Public Service Company's (Arizona Public Service) withdrawal of its request for rehearing of the Commission's July 2, 2003 Order in this proceeding.<sup>1</sup>

**Background**

2. The Commission found in the Remand Order, consistent with the remand from the United States Court of Appeals for the District of Columbia Circuit (Court),<sup>2</sup> that Idaho Power Company (Idaho Power) is not required to honor Arizona Public Service's rollover request under section 2.2 of Idaho Power's Open Access Transmission Tariff (OATT) for an additional eighteen months of point-to-point transmission service because Arizona Public Service cannot match Idaho Power Merchant's (IP Merchant) competing longer-term transmission request.

3. Arizona Public Service filed a request for rehearing of the Remand Order. It argued that the Commission should grant the transmission service to Arizona Public Service because it had matched the IP Merchant's request by offering to pay for transmission upgrades that would allow Arizona Public Service to take transmission service for a longer term than that offered by IP Merchant.

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<sup>1</sup> Idaho Power Co., 104 FERC ¶ 61,016 (2003) (Remand Order).

<sup>2</sup> Idaho Power Co. v. FERC, 312 F.3d 454 (D.C. Cir. 2001).

4. On September 22, 2003, Arizona Public Service filed a supplement to its request for rehearing. On February 13, 2004, Idaho Power filed a motion to dismiss Arizona Public Service's rehearing request. On February 27, 2004, Idaho Power filed a letter with the Commission noting that this proceeding and another related proceeding in Docket No. ER03-1138-001 were scheduled for the Commission's March 3, 2004 meeting, and bringing to the Commission's attention Idaho Power's February 13, 2004 motion to dismiss Arizona Public Service's rehearing request.

5. On February 27, 2004, Arizona Public Service filed an answer to Idaho Power's February 13 motion and a withdrawal of its request for rehearing. It explains that because the cost of the upgrades is significantly greater than it expected, it has decided not to pursue the upgrade and therefore withdraws its request for rehearing. It urges the Commission to continue to monitor Idaho Power's compliance with the standards of conduct and the comparability requirements of Order No. 888.

### **Discussion**

6. We will grant Arizona Public Service's unopposed withdrawal of its request for rehearing.<sup>3</sup>

### **The Commission orders:**

Arizona Public Service's withdrawal of its request for rehearing is hereby granted.

By the Commission.

( S E A L )

Linda Mitry,  
Acting Secretary.

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<sup>3</sup> We will reject Arizona Public Service's late request to supplement its request for rehearing because we have no authority to accept materials in support of rehearing if such materials are filed after the 30-day statutory deadline for rehearing. See, e.g., Houlton Water Company, et al., 60 FERC ¶ 61,141 at 61,511 & n.8 (1992).